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ORA-MTO-1390 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE 212136US0PCT TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 926055 CONCERNING A FILING UNDER 35 U.S.C. 371 INTERNATIONAL APPLICATION NO INTERNATIONAL FILING DATE PCT/EP00/00745 31 January 2000 25 February 1999 ANTITÚMOUR SYNERGISTIC COMPOSITION APPLICANT(S) FOR DO/EO/US GERONI Cristina et al. Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. X This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include itens (5). (6), (9) and (24) indicated below. 4. X The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) a. 🗆 is attached hereto (required only if not communicated by the International Bureau). b. A has been communicated by the International Bureau. is not required, as the application was filed in the United States Receiving Office (RO/US). 6 An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). is attached hereto. has been previously submitted under 35 U.S.C. 154(d)(4). 7 Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) (1) are attached hereto (required only if not communicated by the International Bureau). h 🗆 have been communicated by the International Bureau. c.  $\Box$ have not been made; however, the time limit for making such amendments has NOT expired. d. 🛛 have not been made and will not be made. 8 9 10 An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). X An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)) 11. A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12.  $\propto$ A copy of the International Search Report (PCT/ISA/210). Items 13 to 20 below concern document(s) or information included: An Information Disclosure Statement under 37 CFR 1.97 and 1.98 14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15 A FIRST preliminary amendment. 16 A SECOND or SUBSEQUENT preliminary amendment. 17 A substitute specification

- 18 A change of power of attorney and/or address letter.
- 19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
- 20 A second copy of the published international application under 35 U.S.C. 154(d)(4).
- 21. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- 22. Certificate of Mailing by Express Mail
- 23. Other items or information:

Notice for Consideration of Documents Cited in International Search Report/Notice of Priority PCT/IR/304

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## IN THE UNITED STATES PATENT & TRADEMARK OFFICE

· IN RE APPLICATION OF

CRISTINA GERONI ET AL : ATTN: APPLICATION DIVISION

SERIAL NO: NEW U.S. PCT APPLICATION:

(Based on PCT/EP00/00745)

FILED: HEREWITH

FOR: ANTITUMOUR SYNERGISTIC

COMPOSITION

### PRELIMINARY AMENDMENT

# ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

SIR:

Prior to examination on the merits, please amend the above-identified application as follows

### IN THE CLAIMS

Please cancel Claims 7-9.

Please amend the claims as shown on the marked-up copy following this amendment to read as follows.

1. (Amended) A product comprising an alkylating anthracycline of formula Ia or Ib:

and an antineoplastic topoisomerase II inhibitor as a combined preparation for simultaneous, separate or sequential use in the treatment of tumors.

- 2. The product according to claim 1 wherein the alkylating anthracycline is 4-demethoxy-3'-deamino-3'-aziridinyl-4'-methansulfonyl daunorubicin.
- The product according to claim 1 wherein the topoisomerase II inhibitor is etoposide.
- 4. The product according to claim 1 wherein the topoisomerase II inhibitor is doxorubicin.

Please add the following new claims.

- 10. (New) A method of treating a mammal, including a human, for tumors comprising administering to said mammal an anthracycline of formula Ia or Ib as claimed in Claim 1, and an anti-neoplastic topoisomerase II inhibitor.
- 11. (New) The method as claimed in Claim 10 wherein the topoisomerase II inhibitor is etoposide or doxorubicin.

12. (New) A method of treating or preventing metastasis in a mammal, including a human, comprising administering the alkylating anthracycline of formula Ia or Ib as claimed in Claim I and an antineoplastic topoisomerase II inhibitor.

13. (New) A method of treating a tumor in a mammal, including a human, by inhibiting angiogenesis comprising administering the alkylating anthracycline of formula Ia or Ib as claimed in Claim 1 and an antineoplastic topoisomerase II inhibitor.

### REMARKS

Claims 1-6 and 10-13 are active in the present application. Claims 1-4 have been amended to remove multiple dependencies and for clarity. Claims 10-13 are new claims. Support for new claims is found in the original claims and in the specification, for example on page 2, line 20-26 and page 4, lines 9-19. No new matter is added. An action on the merits and allowance of the claims is solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAJER & NEUSTADT, P.C.

Norman F. Oblon Attorney of Record Registration No. 24,618

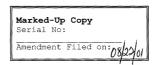
Daniel J. Pereira, Ph.D. Registration No. 45.518



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### IN THE CLAIMS

Claims 7-9 - (Cancelled).

Please amend the claims as follows.

--1. (Amended) [Products containing] <u>A product comprising</u> an alkylating anthracycline of formula Ia or Ib:

and an antineoplastic topoisomerase II inhibitor as a combined preparation for simultaneous, separate or sequential use in the treatment of tumors.

 [Products] The product according to claim 1 wherein the alkylating anthracycline is 4-demethoxy-3'-deamino-3'-aziridinyl-4'-methansulfonyl daunorubicin.

- 3. [Products] The product according to claim 1 [or 2] wherein the topoisomerase II inhibitor is etoposide.
  - 4. [Products] <u>The product</u> according to claim 1 [or 2] wherein the topoisomerase II inhibitor is doxorubicin.--

Claims 10-13 - (New).

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# Antitumour Synergistic Composition

The present invention relates in general to the field of cancer treatment and, more particularly, provides an antitumor composition comprising an alkylating anthracycline and a topoisomerase II inhibitor, having a synergistic or additive antineoplastic effect.

The present invention provides, in a first aspect, a pharmaceutical composition for use in antineoplastic therapy in mammals, including humans, comprising

- an alkylating anthracycline of formula Ia or Ib :

$$\begin{array}{c} \text{CH}_2\text{SO}_2\text{O} \\ \text{N} \\ \text{CH}_2\text{SO}_2\text{O} \\ \text{CH}_2\text{SO}_2\text{O} \\ \text{CH}_2\text{SO}_2\text{O} \\ \text{N} \\ \text{CI} \\ \text{Ib} \\ \text{CI} \\ \end{array}$$

- an antineoplastic topoisomerase II inhibitor, and a pharmaceutically acceptable carrier or excipient.
- The chemical names of the alkylating anthracyclines of formula Ia and Ib are 4-demethoxy-3'-deamino-3'-aziridinyl-4'-methansulfonyl daunorubicin (Ia) and 4-demethoxy-N,N-bis(2-chloroethyl)-4'-methansulfonyl daunorubicin (Ib).
- 20 These alkylating anthracyclines were described in Anticancer Drug Design (1995), vol. 10, 641-653, and claimed respectively in US-A-5,532,218 and US-A-5,496,800. Both compounds intercalate into DNA via the chromophore and alkylate guanine at N<sup>7</sup> position in DNA minor groove via
- 25 their reactive moiety on position 3' of the amino sugar. Compounds Ia and Ib are able to circumvent the resistance

therapy.

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to all major classes of cytotoxics, indicating that the compounds represent a new class of cytotoxic antitumor drugs.

Topoisomerase II inhibitors are described in various scientific publications. The main representatives of this wide class of drugs are: the anthracycline derivatives such as doxorubicin, daunorubicin, epirubicin, nemorubicin and idarubicin; the podophyllotoxin compounds etoposide and teniposide; the anthraquinone derivative like mitoxantrone 10 amsacrine. See for example the review: Cancer, Principles and Practice of Oncology, Lippincott-Raven Ed. 452-467. Doxorubicin and etoposide preferred topoisomerase II inhibitors to be used in the present invention. The present invention also provides a product comprising an alkylating anthracycline of formula Ia or Ib as defined above and an antineoplastic topoisomerase II inhibitor, as combined preparation for simultaneous, separate or sequential use in antitumor

20 A further aspect of the present invention is to provide a method of treating a mammal including humans, suffering from a neoplastic disease state comprising administering to said mammal an alkylating anthracycline of formula Ia or Ib as defined above and an antineoplastic topoisomerase II

25 inhibitor, in amounts effective to produce a synergistic antineoplastic effect.

The present invention also provides a method for lowering the side effects caused by antineoplastic therapy with an antineoplastic agent in mammals, including humans, in need thereof, the method comprising administering to said mammal a combination preparation comprising an antineoplastic topoisomerase II inhibitor as defined above and an alkylating anthracycline of formula Ia or Ib, as defined

1.0

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host being treated.

above, in amounts effective to produce a synergistic antineoplastic effect.

By the term "a synergistic antineoplastic effect" as used herein is meant the inhibition of the growth tumor, preferably the complete regression of the administering an effective amount of the combination of an alkylating anthracycline of formula Ia or Ib as defined above and a topoisomerase II inhibitor to mammals, including human.

By the term "administered" or "administering" as used herein is meant parenteral and /or oral administration. By "parenteral" is meant intravenous, subcutaneus intramuscolar administration. In the method of the subject invention, the alkylating anthracycline may be administered simultaneously with the compound with the topoisomerase II inhibitor activity, for example of the anthracycline or etoposide class, or the compounds may be administered sequentially, in either order. It will be appreciated that the actual preferred method and order of administration will vary according to, inter alia, the particular formulation of the alkylating anthracycline of formula Ia or Ib being utilized, the particular formulation of topoisomerase II inhibitor, such as one of the anthracycline or etoposide class, being utilized, particular tumor model being treated, and the particular

the method of the subject invention, for administration of the alkylating anthracycline of formula Ia or Ib, the course of therapy generally employed is from about 0.1 to about 200  $\mbox{mg/m}^2$  of body surface area. More preferably, the course therapy employed is from about 1 to about 50 mg/m2 of body surface area.

method of the subject invention, administration of the topoisomerase II inhibitor the course including humans.

of therapy generally employed is from about 1 to about 1000  $mg/m^2$  of body surface area. More preferably, the course therapy employed is from about 10 to about 500  $mg/m^2$  of body surface area. The antineoplastic therapy of the present invention is in particular suitable for treating breast, ovary lung, colon, kidney, stomach, pancreas, liver, melanoma, leukemia and brain tumors in mammals,

In a further aspect, the present invention is directed to

the preparation of a pharmaceutical composition containing
an effective amount of an alkylating anthracycline of
formula Ia or Ib as defined above and an antineoplastic
topoisomerase II inhibitor in the prevention or treatment
of metastasis or for the treatment of tumors by
angiogenesis inhibition, as well as to the use of an
alkylating anthracycline of formula Ia or Ib as defined
above and an antineoplastic topoisomerase II inhibitor for
the treatment of tumors by angiogenesis inhibition or for
the treatment or prevention of metastasis.

20 As stated above, the effect of an alkylating anthracycline of formula Ia or Ib and a topoisomerase II inhibitor, such anthracycline or etoposide derivative, significantly increased without a parallel increased toxicity. In other words, the combined therapy of the present invention enhances the antitumoral effects of the 25 alkylating anthracycline and of the topoisomerase inhibitor and thus yields the most effective and least toxic treatment for tumors. The superadditive actions of the combination preparation of the present invention are shown for instance by the following in vivo tests, which 30 are intended to illustrate but not to limit the present invention.

Table 1 shows the antileukemic activity on disseminated L1210 murine leukemia obtained combining Ia with etoposide.

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At the dose of 30 mg/kg of etoposide alone (day +3) and at the dose of 1 mg/kg of Ia alone (days +1,2) were associated, without toxicity, with ILS% values of 100 and 67, respectively. Combining etoposide and Ia at the same doses with the same schedule an increase of activity with ILS% values of 450 was observed, indicating a synergistic effect.

Table 2 shows the antileukemic activity on disseminated L1210 murine leukemia obtained combining Ia with doxorubicin. At the dose of 13 mg/kg of doxorubicin alone (day +3) and at the dose of 1.5 mg/kg of Ia alone (days +1,2) were associated, without toxicity, with ILS% values of 50 and 67, respectively. Combining doxorubicin and Ia at the same doses with the same schedule an increase of activity with ILS% values of 150 was observed, indicating a synergistic effect.

For these experiments Ia was solubilized in [Cremophor® /EtOH= 6.5:3.5]/[normal saline]=20/80 v/v, while standard etoposide pharmaceutical preparation and doxorubicin solubilized in water were used.

Table 1: Antileukemic activity against disseminated L1210<sup>1</sup> murine leukemia of Ia in combination with Etoposide

Compound	Treatment schedule	Dose <sup>2</sup> (mg/kg/day)	ILS%3	Tox '	LTS
Ia	iv +1,2	1	67	0/10	0/10
Etoposide	iv +3	30	100	0/10	0/10
Ia +	iv +1,2	1 +	450	0/10	4/10
Etoposide	iv +3	30	1		

Table 2: Antileukemic activity against disseminated L12101 murine leukemia of Ia in combination with Doxorubicin

Compound	Treatment	Dose	ILS%°	Tox 4	LTS <sup>2</sup>
1	schedule	(mg/kg/day)			
Ia	iv +1,2	1.5	67	0/10	0/10

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Doxorubicin	iv +3	13	50	0/10	0/10
Ia +	iv +1,2	1.5 +	150	0/10	3/10
Dovorubicin	117 +3	13			

- 1)L1210 leukemia cells ( $10^5/\text{mouse}$ ) are injected iv on day
- 2) Treatment is given starting on day 1 after tumor transplantation (day 0).
- 10 3) Increase in life span: [(median survival time of treated mice/median survival time of controls)x 100]-100
  - 4) Number of toxic deaths/number of mice.
  - 5) Long Term Survivors (>60 days) at the end the experiment.

### Claims

1. Products containing an alkylating anthracycline of formula Ia or Ib:

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and an antineoplastic topoisomerase II inhibitor as a combined preparation for simultaneous, separate or sequential use in the treatment of tumors.

- 10 2. Products according to claim 1 wherein the alkylating anthracycline is 4-demethoxy-3'-deamino-3'-aziridinyl-4'methansulfonyl daunorubicin.
  - 3. Products according to claim 1 or 2 wherein the topoisomerase II inhibitor is etoposide.
- 15 4. Products according to claim 1 or 2 wherein the topoisomerase II inhibitor is doxorubicin.
  - 5. A pharmaceutical composition comprising a pharmaceutically acceptable carrier or excipient and, as active ingredient, an alkylating anthracycline of formula
- 20 Ia or Ib as defined in claim 1 and an antineoplastic topoisomerase II inhibitor.
  - 6. A composition according to claim 5 wherein the topoisomerase II inhibitor is doxorubicin or etoposide.
- 7. Use of an alkylating anthracycline of formula Ia or Ib 25 as defined in claim 1 and an antineoplastic topoisomerase

II inhibitor in the preparation of a medicament for use in the treatment of tumors.

- 8. Use according to claim 7 wherein the topoisomerase II inhibitor is etoposide or doxorubicin.
- 9. Use of an alkylating anthracycline of formula Ia or Ib as defined in claim 1 and an antineoplastic topoisomerase II inhibitor in the preparation of a medicament for use in the prevention or treatment of metastasis or in the treatment of tumors by inhibition of angiogenesis.

# COURTED TOURS

# Beclaration, Power Of Attorney and Petition

Page 1 of 3

WE (I) the undersigned inventor(s), hereby declare(s) that:

ANTITUMOUR SYNERGISTIC COMPOSITION

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

he specification of which  is attached hereto.  was filed onas Application Serial No and amended on was filed as PCT international application NumberPCT/BP00/00745 on31 January 2000			
	is attached hereto.	Į.	
	was filed onas		
	Application Serial No.		
	and amended on		
	was filed as PCT international application		
N	NumberPCT/EP00/00745		
0	on 31 January 2000		
aı	and was amended under PCT Article 19		

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

(if applicable).

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Prior Clain	
9904387.9	Great Britain	25 February 1999	Ď Yes	□ No
			☐ Yes	□No
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We (I) hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filter dute of the prior a populcation and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
		-

And we (f) hereby appoint: Norman F. Oblon, Reg. No. 24,618; Marvin J. Spivak, Reg. No. 24,913; C. Irvin McClelland, Reg. No. 21,124; Gregory J. Maier, Reg. No. 25,592; Arthur I. Neustadt, Reg. No. 22,5826; Richard D. Kelly, Reg. No. 27,575; James D. Hamilton, Reg. No. 28,421; Eckhard H. Kuesters, Reg. No. 22,8870; Robert J. Pous, Reg. No. 29,099; Charles I. Gholz, Reg. No. 26,395; Vincent J. Sunderdick, Reg. No. 29,004; William E. Beaumont, Reg. No. 30,996; Robert F. Gnuse, Reg. No. 27,295; Jean-Paul Lavalleye, Reg. No. 29,004; William E. Beaumont, Reg. No. 30,399; Steven F. Uschick, Reg. No. 25,745; Robert W. Hahl, Reg. No. 33,893; Richard L. Treanor, Reg. No. 36,379; Steven P. Weihrouch, Reg. No. 35,2829; John T. Goolkasian, Reg. No. 26,142; Richard L. Chinn, Reg. No. 34,648; Richard A. Neifeld, Reg. No. 35,229; J. Derek Mason, Reg. No. 34,226; James J. Kulbaski, Reg. No. 34,423; Christina M. Gadiano, Reg. No. 35,229; J. Derek Mason, Reg. No. 35,270; Surinder Sachar, Reg. No. 34,423; Christina M. Gadiano, Reg. No. 37,228; Jeffrey B. McIntyre, Reg. No. 36,667; and Paul E. Rauch, Reg. No. 38,591; our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (f) hereby request that all correspondence regarding this application be sent to the firm of OBLON, SPIVAK, McCLELLAND, Arlington, Virginia 22202.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Signature of Inventor	Citizen of:Italy
24 July 2001 Date	

Marina Ripamonti NAME OF SECOND JOINT INVENTOR  Signature of Inventor  24 July 2001 Date  Michele Caruso  NAME OF THIRD JOINT INVENTOR  Residence: Via Pelvio Testi, 9 20162 Milan (IT)  Citizen of: Italy Post Office Address: The same as above and the same as above	(
Signature of Inventor  Post Office Address: The same as about the	ove
Signature of Inventor  Post Office Address: The same as about the	ove
Date  Michele Caruso Residence: Via Desiderio, 3  NAME OF THIRD JOINT INVENTOR 20131 Milan (IT)	
NAME OF THIRD JOINT INVENTOR 20131 Milan (IT)	
NAME OF THIRD JOINT INVENTOR 20131 Milan (IT)	
*D	
	-
M delle Cares Citizen of: Italy I, TX	
Signature of Inventor Post Office Address: The same as ab	ove
24 July 2001  Date  Antonino Suarato  NAME OF FOURTH JOINT INVENTOR  Residence: Via Degli Imbriani, 36  20158 Milan (IT)	3
Signature of Inventor  Signature of Inventor  Post Office Address:The same as	above
24 July 2001 Date	
NAME OF FIFTH JOINT INVENTOR	
Citizen of:	
Signature of Inventor Post Office Address:	

Date